

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 7951

BILL NUMBER: SB 577

DATE PREPARED: Feb 12, 1999

BILL AMENDED:

SUBJECT: Incarcerated children.

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill provides that whenever a child is committed to an adult correctional facility or program, the Department of Correction shall restrict the child to an area of the facility or program where the child at all times has complete sight and sound separation from adults who are charged with, imprisoned for, or incarcerated for offenses. It applies regardless of whether the child is a criminal or a delinquent offender.

This bill prohibits a child from being confined to a county jail unless the child is restricted to an area of the county jail where the child at all times has complete sight and sound separation from any adult who is charged with or incarcerated for an offense. It requires the Department of Correction to enroll each: (1) criminal offender who is less than 18 years of age; and (2) delinquent offender who is committed to or a ward of the Department of Correction, in an appropriate educational program. It also makes an exception if the criminal offender received a sentence of death or life imprisonment without parole.

Effective Date: July 1, 1999.

Explanation of State Expenditures: (Revised) The requirement that juveniles (17 years and under) incarcerated in adult DOC facilities be completely segregated from adult felons may cause administrative expense associated with space allocation. Currently these juveniles are housed in the ten DOC adult facilities. Juveniles incarcerated in DOC facilities are usually convicted of serious crimes (e.g. murder, rape, multiple theft convictions). In FY 98, 156 offenders under 18 years-of-age were sent to adult facilities (the average daily population is about 90 offenders).

This bill may place additional pressure on the DOC for capital construction of new facilities due to its current overcapacity. DOC will be completing construction on a facility with 1,400 new beds by the fall of 1999. Including all contracted and county jail beds, DOC adult male capacity in FY 2000 will be 16,256 with a projected population of about 18,000 beds (+11%). This includes DOC offenders currently serving time in

county jails. DOC incarceration expenses range from \$11,000 to \$27,000 per offender and average about \$20,500 annually. Expenses are based on total prison operating costs and the number of DOC offenders, but do not include costs for construction.

Juvenile Offender Housing Considerations

Placement in Current Facilities: The requirement for complete sight and sound segregation is considered to be a nearly prohibitive administrative undertaking due to the following circumstances: (1) multiple security levels of juvenile inmates (necessitating separating juveniles with varying security risks among separate facilities); (2) physical layout of facilities and the movement of offenders for meals and programming; and (3) potential need for duplication of programming, recreation and food services for units.

Out-of-State Placements: There is a possibility that juvenile offenders may be placed in private facilities. DOC currently contracts for out-of-state placements in Tennessee and Oklahoma. However, current placements are minimum and medium security offenders. The current out-of-state contract per diem is \$45 a day or \$16,425 a year (the current contract excludes offenders under the age of 18). Private placement in juvenile facilities willing to take these offenders could cost from \$125 to \$350 per day based on security risk (\$45,625 to \$127,750 a year).

New Facility Construction: Construction planning predicts the need for a 160 bed facility based on increasing enrollment of about 10 juveniles a year added to the average daily population of 90. The current average sentence for juveniles in adult DOC facilities is 9.5 years. It is estimated that a new multi-tiered (with different security areas to separate murders from thieves) facility could be built at a cost of \$19.6 M (\$120,000 a bed). DOC estimates that such a facility could be constructed by 2003. Annual operating costs are estimated at about \$8 M for administrative, guard and educational staffing and materials. About \$0.86 M. of this cost would be for the educational component (this cost includes salaries for a director of education, secretary, ten classroom teachers and four vocational instructors).

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (As of December 31, 1998, DOC had 46 vacant positions.); (4) Funds that, otherwise, would be reverted; or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Explanation of State Revenues:

Explanation of Local Expenditures: County jails may experience the expense associated with space allocation or alternative placements for those juveniles received who must be completely segregated from adult offenders. Offenders may be placed in private facilities which will accept them (\$125 to \$350 per diem) or sheriffs may also request the DOC to house juveniles as safekeepers (defined as persons who are considered endangered).

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: County jails.

Information Sources: Planning Division, Department of Correction; DOC 1998-99 Budget Request.